

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 10-45468

JAMIE L. LEACH,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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ORDER DENYING MOTION FOR RECONSIDERATION

This case comes before the Court on Debtor's "Motion to Reopen Case," filed on March 16, 2010 (Docket # 15, the "Motion"), which this Court construes as a motion for reconsideration of, and for relief from, the March 5, 2010 Order dismissing this case (Docket # 13), and

The Court having reviewed and considered the Motion, and

The Court finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

The Court also finds that the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), FedR.Bankr.P. 9024, or any other valid ground for relief from the order dismissing this case.

In addition, the Court notes the following. First, any neglect or mistake by Debtor's counsel, such as the neglect alleged in the Motion (for which the Motion says there is "no excuse,") is generally attributable to the Debtor, for purposes of determining whether any such neglect or mistake was excusable. *See, e.g., Pioneer Investment Services Co. v. Brunswick Associates Limited Partnership*, 507 U.S. 380, 396-97 (1993)(in determining whether "excusable neglect" is shown, "the proper focus is upon whether the neglect of [the movants] *and their counsel* was excusable" (italics in original)).

Second, the missing creditor matrix was due no later than March 4, 2010, still has not been filed or uploaded.

Third, numerous other required documents, which were due to be filed no later than March 10, 2010, have not been filed in this case, including Schedules A-J, the Statement of Financial Affairs, and the means test form.

Fourth, neither this Order nor the order dismissing this case precludes the Debtor from filing a new bankruptcy case, even though this is the second recent bankruptcy case filed by this Debtor that was dismissed (the previous case being Case No. 09-78639). Debtor should not file a new bankruptcy case, however, until he/she is ready to file all of the required documents in a timely manner.

NOW, THEREFORE,

IT IS ORDERED that the Motion (Docket # 15) should be, and is, DENIED.

Signed on March 17, 2010

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge